

June 2, 2010

Mr. Albert (Shane) McCaffrey
6222 W. 35th Street, #21
St. Louis Park, MN 55414

Re: MURRAY'S, INC.
Case 18-RD-2701

Dear Mr. McCaffrey:

The above-captioned case, arising from a petition filed pursuant to Section 9(c) of the National Labor Relations Act, as amended, has been carefully considered.

It appears that further proceedings are not warranted. You filed the instant decertification petition on March 31, 2010. The Union subsequently filed a charge and an amended charge in Case 18-CA-19354 on April 14 and May 13, 2010, and on May 28, 2010, Complaint and Notice of Hearing issued. The Complaint and Notice of Hearing alleges, among other things, that the Employer bargained in bad faith with the Union by declaring impasse on February 10, 2010 and by unilaterally implementing changes to employee wages, benefits and other terms and conditions of employment on March 1, 2010. In order to remedy these allegations of the Complaint, the Employer will be required, among other affirmative actions, to bargain in good faith with the Union. In these circumstances, your petition cannot be further processed. Accordingly, I am dismissing the petition in this matter. Your petition may be subject to reinstatement, if appropriate, on your request after disposition of the proceeding in Case 18-CA-19354. You will therefore be considered a party-in-interest in Case 18-CA-19354 solely insofar as you will receive a copy of the order or other document that disposes of the Complaint in Case 18-CA-19354.

Right to Request Review. Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review. Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on **June 16, 2010, at 5:00 p.m. Eastern Time**, unless filed electronically. **Consistent with the Agency's E-Government initiative,**

parties are encouraged to file a request for review electronically. If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website **is accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at www.nlrb.gov. Once the website is accessed, select the E-Gov tab and then click on E-Filing, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was offline or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Very truly yours,

Marlin O. Osthus
Regional Director

MOO/cmc

cc: See Page 3.

cc:

Office of the Executive Secretary
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570-0001

Mr. Tim Murray
Murray's, Inc.
26 South Sixth Street
Minneapolis, MN 55402

Daniel R. Wachtler, Attorney
Briggs & Morgan
2200 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101

Nancy Goldman, President
Unite HERE Local 17
United Labor Centre
312 Central Avenue, Suite 444
Minneapolis, MN 55414

Robert D. Metcalf, Attorney
Metcalf, Kaspari, Engdahl & Lazarus, P.A.
333 Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416